

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

**THE HANOVER INSURANCE GROUP A/S/O)
JOSHUA FORTE, ANGELA FORTE,)**

Plaintiff(s),)

v.)

Case no: _____

**ROBERTO CENDENO HERNANDEZ and)
EMC AUTO TRANSPORT, LLC,)**

Defendant(s).)

NOTICE OF REMOVAL

NOW COMES Defendants, ROBERTO CENDENO HERNANDEZ and EMC AUTO TRANSPORT, LLC, by and through attorneys, CHILTON YAMBERT PORTER LLP, pursuant to Title 28 U.S.C. §§ 1332, 1441 and 1446, and hereby file this Notice of Removal of the cause entitled *The Hanover Insurance Group A/S/O Joshua Forte, Angela Forte v. Roberto Cendeno Hernandez and EMC Auto Transport, LLC*, filed in the Circuit Court of Franklin County, Illinois, under case number 2019L-60.

As grounds for removal, Defendants state as follows:

1. HANOVER INSURANCE GROUP is a Massachusetts insurance company with its headquarters in Massachusetts making it a citizen of the State of Massachusetts.
2. JOSHUA FORTE and ANGELA FORTE are citizens of the State of Michigan.
3. ROBERTO CENDENO HERNANDEZ is a citizen of the State of Florida.
4. EMC AUTO TRANSPORT, LLC, is a Florida Limited Liability Corporation and is thereby a citizen of the State of Florida.
5. The State Court action is a suit for civil damages by Plaintiffs arising out of personal injury claims. The amount in controversy is believed to exceed \$75,000.00, exclusive of interest and costs based on a prayer for damages in the sum of \$22,398.58 in Count I, and “for an

amount in excess of \$50,000.00” in the second count. Defendants make this reasonable conclusion based on the allegations of the Complaint, a copy of which is attached hereto as Exhibit “A.” Plaintiffs’ Complaint was filed in the Circuit Court of Franklin County and again requests a sum greater than \$50,000.00 sufficient to satisfy the jurisdictional limitations.

6. 28 USC § 1332 provides:

(a) The District Court shall have original jurisdiction of all civil actions where the matter in controversy exceeds the sum of \$75,000.00, exclusive of interest and costs, and is between

(1) citizens of different states;

(2) citizens of a State and citizens or subjects of a foreign state . . .

7. Accordingly, this action is removable under 28 U.S.C. §1441, which provides:

(a) Except as otherwise expressly provided by Act of Congress, any civil action brought in a State court of which the district courts of the United States have original jurisdiction, may be removed by the defendant or the defendants, to the district court of the United States for the district and division embracing the place where such action is pending. For purposes of removal under this chapter, the citizenship of defendants sued under fictitious names shall be disregarded.

WHEREFORE, Defendants, ROBERTO CENDENO HERNANZE and EMC AUTO TRANSPORT LLC, file this Notice of Removal removing the State Court action from the Circuit Court of Franklin County, Illinois, to the United States District Court for the Southern District of Illinois, Eastern Division.

Respectfully submitted,

/s/ Joseph R. Vallort
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Attorney for Defendants

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AFFIDAVIT

I, being first duly sworn upon oath and being knowledgeable of the facts contained herein and being competent to testify therein, hereby states as follows:

1. That I am the owner of EMC AUTO TRANSPORT, LLC, a named defendant in the above-captioned lawsuit which was filed as a result of a motor vehicle accident that occurred on August 24, 2017.

2. EMC AUTO TRANSPORT, LLC, is an LLC Florida Limited Liability Corporation, with its principal place of business in the State of Florida and is a citizen of the State of Florida now and at the time of the incident alleged in the Plaintiffs' Complaint.

FURTHER AFFIANT SAYETH NAUGHT.

EMC AUTO TRANSPORT, LLC,

By: _____

Its owner

SUBSCRIBED AND SWORN
TO THIS _____ DAY OF
_____, 2019.

Notary Public

Bill Porter, #6183435
CHILTON YAMBERT PORTER LLP
2000 South Batavia Avenue, 2nd Floor
Geneva, IL 60134
630-262-4000
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On Mon, Sep 16, 2019 at 9:17 AM Claudia Morales <comp2100@gmail.com> wrote: